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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

**NATIONAL SECURITY AND
INTERNATIONAL AFFAIRS DIVISION**

B-215075

JUN 11 1984

The Honorable Jack Brooks
Chairman, Committee on Government
Operations
House of Representatives

Dear Mr. Chairman:

Subject: Polygraph and Prepublication Review
Policies of Federal Agencies
(GAO/NSIAD-84-134)

The April 4, 1984, letter from you and the Chairman, Committee on Post Office and Civil Service, requested that we assist the committees in their on-going efforts examining the effects of National Security Decision Directive -84 (NSDD-84). (See encl. V.)

On April 23, 1984, you and Chairman Ford sent a questionnaire to those agencies and offices that handle classified information. The major purpose of the questionnaire was to determine the effect of the two provisions of NSDD-84 that require (1) all individuals with sensitive compartmented information (SCI) access to sign a nondisclosure agreement containing a prepublication review requirement and (2) all agencies to revise existing policies and regulations as necessary so that employees could be required to submit to a polygraph examination during the course of an investigation of an unauthorized disclosure of classified information.

Most of the information you requested from the agencies is included in summary form in enclosure I. It includes actual figures as well as estimated figures where data were not readily available. As agreed with your office, we did not verify the information reported by the agencies, but we did request clarification in many cases.

Agencies were asked to respond to the questionnaire within 15 days. By June 5, however, (six weeks after your request) eight agencies and offices had not responded; therefore, data pertaining to them is not included in the information contained in this report. The eight are: the U.S. Arms Control and

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Disarmament Agency, Department of Energy, Environmental Protection Agency, Interstate Commerce Commission, Department of Justice, Office of Management and Budget, U.S. Trade Representative, and the Executive Office of the President. Forty-three agencies responded to the questionnaire, including a partial response of the Department of the Treasury. We counted the Department of Defense, including the military services, as one response. This report does not include data on the National Security Agency and Central Intelligence Agency because of the sensitivity of their operations.

The following sections summarize information relative to prepublication review requirements, unauthorized disclosures of classified information, and polygraph examinations.

Prepublication Review Requirements

Most agency employees who had access to sensitive compartmented information (SCI), already had signed nondisclosure agreements (Form 4193 or a form similar thereto) with the prepublication review requirement before the President suspended indefinitely that provision of NSDD-84 on February 15, 1984. Twenty-three agencies reported that, as of December 31, 1983, 119,000 of their employees had SCI access and almost all had signed the agreements which contain the lifetime prepublication review requirement. An unknown number of former employees also had signed the agreements. The Department of Defense estimated that, of 156,000 military and civilian employees who had signed agreements, about 45,000 were former employees and employees reassigned to duties not requiring SCI access.

It is also possible that employees working on other than SCI special access programs had signed agreements similar to those used for SCI access. According to Executive Order 12356, which took effect August 1, 1982, an agency head may create a special access program when (1) normal management and safeguarding procedures do not limit access sufficiently and (2) the number of persons with access is limited to the minimum necessary to meet the objective of providing extra protection of the information. At the end of calendar year 1983, there were about 100 non-SCI special access programs, compared to about 30 in 1979. Agencies reported that 27,500 government employees and 21,600 contractor employees were involved in non-SCI special access programs. (See encl. II).

The Federal Emergency Management Agency told us that a prepublication review requirement is part of the agreement that individuals must sign for access to two of its special access programs. (At the present time, however, those subject to this provision may delete that section of the agreement pertinent to prepublication review). We do not know how many more special access programs may contain similar prepublication review requirements.

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Twelve agencies indicated that, regardless of whether they have SCI access, employees must comply with prepublication review requirements. In most cases, however, agencies do not require employees to sign nondisclosure agreements as part of these prepublication review requirements. Further, the requirements imposed by these regulations do not apply to former employees. (See encl. III.)

Unauthorized Disclosures of Classified Information

Four agencies (the Departments of Commerce, Defense, and State, and the Nuclear Regulatory Commission) reported having 43 unauthorized disclosures of classified information during calendar year 1983. One was made through a published writing or speech (by a then-current employee of a contractor). None were made by former employees through published writings or speeches.

Polygraph Examinations

Nine agencies told us that their employees were given 11,178 polygraph examinations in calendar year 1983, and four of the nine employed a total of 131 polygraph operators (see encl. IV). Of these agencies, the Department of Defense employed 123 polygraph operators and gave 10,502 examinations. Practically all examinations given by the other agencies were given in connection with criminal or specific-incident investigations. The General Services Administration and Postal Service have regulations that limit the voluntary use of the polygraph to criminal investigations.

The number of pre-access screening examinations given by the Department of Defense in 1981, 1982, and 1983 were as follows:

	<u>1981</u>	<u>1982</u>	<u>1983</u>
Total number of polygraph examinations	6,556	8,657	10,502
Examinations for pre-access screening	45	1,176	3,105

The pre-access screening examinations given in 1983 include about 3,000 examinations that are part of an Air Force program testing the use of the polygraph.

When asked about plans to employ additional polygraph operators, Defense stated that it plans to hire 50 additional operators, and that these operators would permit an additional 10,000 screening type examinations annually.

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Although the Department of Justice did not respond in time for inclusion of its data in this report, we understand that Justice and the Department of the Treasury also use the polygraph for pre-access screening.

The Federal Emergency Management Agency stated that, although it did not employ polygraph operators or have a contract for polygraph service, it had plans to institute polygraph screening examinations in connection with two of its non-SCI special access programs. However, the Agency said that it was holding in abeyance a final decision on its plans, pending resolution of the legal issues involving use of the polygraph.

The Tennessee Valley Authority, which had been using the polygraph in connection with criminal investigations, told us that it was discontinuing all polygraph use.

Copies of this report are being sent to all agencies that provided information and to other interested parties upon request.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Frank C. Conahan". The signature is fluid and cursive, with the first name "Frank" and last name "Conahan" clearly distinguishable.

Frank C. Conahan
Director

Enclosures - 5

Responses to Questions Of The
House Committee on Government Operations
And The
House Committee on Post Office and Civil Service

(All 51 executive branch agencies that handle
classified information were queried; however,
8 did not respond. The responses from the
remaining 43 are included below).

QUESTION 1

Approximately how many full- and part-time people were employed by the federal government as of December 31, 1983?

RESPONSE

In the 43 agencies that responded, there were 5,025,580 federal civilian and military personnel.

QUESTION 2

Approximately how many federal employees and contractor employees had security clearances as of December 31, 1983?

RESPONSE

There were about 2.6 million federal and 1.3 million contractor employees, of the 43 responding agencies, with security clearances at the levels shown below.

<u>Level of clearance</u>	<u>Federal employees</u>	<u>Contractor employees</u>
Top Secret	517,578	111,912
Secret	2,129,557	904,540
Confidential	<u>33,286</u>	<u>304,852</u>
Total	<u>2,680,421</u>	<u>1,321,304</u>

Of the total number of federal employees--5,025,580, about 10 percent had top secret clearances and 42 percent had secret clearances.

QUESTION 3

How many federal and contractor employees had access to Sensitive Compartmented Information (SCI) as of December 31, 1983?

RESPONSE

There were a total of 118,899 federal employees and 11,041 contractor employees with SCI access.

QUESTION 4

Do agencies consider SCI to be a special access program? Under what authority?

RESPONSE

- Eighteen agencies considered SCI to be a special access program. They cited the following authorities:

- Executive Order 12356
- The Director of Central Intelligence
- National Security Decision Directive -84
- Director of Central Intelligence Directive 1/14

QUESTION 5

How many agencies have special access programs as authorized under Executive Order 12356 or similar programs under some other authority?

RESPONSE

Six agencies had special access programs or participated in such programs of other agencies.

QUESTION 6

How many agencies used the polygraph during calendar year 1983?

RESPONSE

Nine agencies used the polygraph or had their employees take polygraph examinations administered by other agencies in calendar year 1983.

QUESTION 7

How many polygraph operators did agencies employ as of December 31, 1983, and how many operators did they have under contract?

RESPONSE

As of December 31, 1983, four agencies employed a total of 131 polygraph operators, and had 2 under contract.

QUESTION 8

Do agencies expect to hire or contract for additional polygraph operators? How many and why?

RESPONSE

The Department of Defense expects to hire an additional 50 examiners in order to conduct 10,000 more screening polygraph examinations.

The Postal Service expects to hire 3 more polygraph operators. This is to improve turnaround time on examinations and reduce operator workload.

QUESTION 9

How many polygraph machines did agencies own as of December 31, 1983? How many did they procure during calendar year 1983, and how many more do they expect to procure?

RESPONSE

Four agencies owned a total of 256 polygraph machines as of December 31, 1983. They procured 2 of these during calendar year 1983. They expect to procure 30 more polygraph machines in the future.

QUESTION 10

Why were polygraph examinations of agency employees conducted? How many of these examinations were conducted of agency employees for calendar years 1979 through 1983? How many were conducted by the agency and how many were conducted by other agencies or by contractors?

RESPONSE

The following tabulation shows the number of polygraph examinations given to employees of the nine agencies for various reasons during calendar years 1979 through 1983:

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
<u>Criminal or</u> <u>Specific incident</u> <u>investigations</u>					
Conducted by agency	6,697	7,256	6,909	7,802	7,657
Conducted by other agencies or contractors	4	8	16	27	34
<u>Pre-employment screening</u>					
Conducted by agency	13	18	13	28	16
Conducted by other agencies or contractors	0	0	0	0	1
<u>Pre-access screening</u>					
Conducted by agency	65	53	45	1,176	3,105
Conducted by other agencies or contractors	0	0	0	0	3
<u>Subsequent screening</u>					
Conducted by agency	0	0	0	0	0
Conducted by other agencies or contractors	0	0	2	2	1
<u>Other</u>					
Conducted by agency	242	271	302	298	361
Conducted by other agencies or contractors	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Total</u>	<u>7,021</u>	<u>7,606</u>	<u>7,287</u>	<u>9,333</u>	<u>11,178</u>

QUESTION 11

How many agencies require employees to submit to any prepublication review procedure (other than to review official statements on behalf of the agency)? How many employees do these procedures cover?

RESPONSE

Twelve agencies required their employees to submit to prepublication review. Prepublication review procedures cover 3,423,418 agency employees.

QUESTION 12

For each calendar year since 1979, how many books, articles, speeches, and other materials were reviewed during the prepublication review process?

RESPONSE

The following tabulations show the types and quantities of information reviewed during calendar years 1979 through 1983. Separate tabulations are shown for the Department of Defense (DOD) and the other respondents because DOD combined books and articles and because the Department of the Army responded in number of pages reviewed for 1982 and 1983.

The Department of Defense

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Books/Articles	2,994	3,133	2,784	6,457	10,088
Speeches	1,320	1,360	871	2,237	2,020
Other	4,816	4,344	5,178	4,713	5,102
No. of pages--Army				92,918	77,404

Other 11 Respondents

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Books	18	22	19	17	34
Articles	4,754	4,774	4,814	5,363	5,461
Speeches	11	50	43	352	365
Other	5,013	5,018	5,009	5,371	5,294

QUESTION 13

What was the average number of working days that elapsed from the date of receipt of a request for prepublication review of a document to the date that the requestor was informed of the final results?

RESPONSE

The 12 agencies reported the following range of time (in days) for the prepublication review process:

Number of days

Books	2 to 20
Articles	1 to 11
Speeches	2 to 10
Others	4 to 8

QUESTION 14

During calendar year 1983, approximately how many employees were assigned and how many working days were used for prepublication reviews?

RESPONSE

Responding agencies assigned a total of about 211 full-time employees and used 5,268 working days for prepublication reviews.

QUESTION 15

How many unauthorized disclosures of classified information were there during calendar year 1983? How many of these were not reported to the Department of Justice?

RESPONSE

Four agencies reported 43 unauthorized disclosures of classified information. Of these, 34 were not reported to the Department of Justice.

QUESTION 16

How many unauthorized disclosures of classified information were made through books, articles, or speeches, written by then-current employees or former employees during calendar year 1983?

RESPONSE

One of the 43 identified in question 15 was made through a speech or publication by a then-current employee of a contractor.

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Employees with Clearances, SCI Access, and Non-SCI Access

	<u>TOTAL</u>	<u>DEFENSE</u>	<u>STATE</u>	<u>TREASURY</u>	<u>INTERIOR</u>	<u>NASA</u>	<u>FEMA</u>	<u>OTHER AGENCIES</u>
Number of agency employees	5,025,580	3,317,086	24,016	124,287	74,482	22,000	2,357	1,461,352
Level of Clearance:								
Agency employees:								
Top secret	517,578	480,360	13,938	6,871	596	523	1,726	13,564
Secret	2,129,557	2,066,643	733	2,993	1,658	15,706	572	41,252
Confidential	33,286	28,160	0	274	104	719	0	4,029
Contractor employees:								
Top secret	111,912	111,000	0	183	0	0	400	329
Secret	904,540	900,000	0	0	3	0	250	4,287
Confidential	304,852	304,800	0	0	0	0	0	52
SCI access:								
Agency employees	118,899	111,167	4,350	1,733	229	280	199	941
Contractor employees	11,041	10,808	200	2	0	29	1	1
Employees assigned to non-SCI special access programs:								
Agency employees	27,530	26,559	0	0	0	0	904	67
Contractor employees	21,587	21,250	0	0	0	0	337	0

ENCLOSURE II

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Agencies Involved in Prepublication Review

	<u>Defense</u>	<u>State</u>	<u>NASA</u>	<u>TVA</u>	<u>USIA</u>	<u>AID</u>	<u>SEC</u>	<u>Fed. Reserve</u>	<u>Overseas Private Investment Corp.</u>
No. of employees covered by agency directive	All	All	All	All	All	All	All	All	All
Quantity of material reviewed in 1983:									
Books	10,088 ^a	10	15	0	5	1	2	1	0
Articles		269	4,500	600	24	15	7	45	1
Speeches	2,020	14	0	280	33	30	8	0	0
Other	5,102 ^b	0	5,000	0	0	60	36	0	0
No. of pages	77,404								
1982:									
Books	6,457 ^a	1	15	0	1	0	0	0	0
Articles		202	4,500	600	15	35	10	0	1
Speeches	2,237	8	0	280	25	30	9	0	0
Other	4,713	0	5,000	0	0	101	27	0	0
No. of pages	92,918 ^b								
No. of employees assigned to prepublication review	80	86	0	40	2	1	1	1	1
No. of working days used for prepublication review	4,459	205	100	55	8	5	10	-	1
Average no. of working days used for each type of material:									
Books	17.8	20	10	0	10	2	20	10	0
Articles	10.7	10	10	3	2	3	10	3	1
Speeches	5.3	5	10	3	2	3	5	0	0
Other	5.2	0	10	0	0	4	8	0	0

^aDefense's response combined books and articles^bThe Department of the Army responded in number of pages reviewed.

Note: Three agencies—the Department of Education, Peace Corps and the Federal Emergency Management Agency—reported having prepublication review requirements but did not report any activity.

Polygraph Use by Nine Agencies

		TOTAL	Dept. of Defense	Dept. of Trans.	Tenn. Valley Auth.	Dept. of Labor	Fed. Res. System	Dept. of State	Postal Service	Dept. of Comm.	General Services Admin.
Agencies using polygraph	1983	9	yes	yes	yes	yes	yes	yes	yes	yes	yes
	1982	8 ^a	yes	yes	yes	no	no	no	yes	no	yes
Types of examinations:											
Criminal or specific Incident	1983	7691	7028	6	14	7	2	5	623	2	4
	1982	7829	7155	14	7	5	0	0	645	0	3
	1981	6925	6196	6	3	2	0	5	711	1	1
Pre-access screening	1983	3108	3105	0	0	0	0	2	0	1	0
	1982	1176	1176	0	0	0	0	0	0	0	0
	1981	45	45	0	0	0	0	0	0	0	0
Agency polygraph operators	1983	131	123	0	0	2	0	0	6	0	0
	1982	194	112	0	0	0	0	0	6	0	0
Agency polygraph machines:											
owned as of December 31,	1983	256	238	0	0	2	0	0	16	0	0
purchased in	1983	2	2	0	0	0	0	0	0	0	0

Agency plans:

1. The Department of Defense anticipates hiring 50 additional polygraph operators to permit 10,000 screening type examinations.
2. The Postal Service expects to hire 3 additional operators.
3. The Federal Emergency Management Agency plans to institute polygraph examinations in the future, but the final decision is pending until legal issues involving the use of the polygraph are resolved.
4. The Tennessee Valley Authority does not anticipate using the polygraph in the future.

^aIncludes the Departments of Justice and Treasury, as reported to us last year. Current information concerning polygraph use by these agencies was not received in time for inclusion in the chart.

ENCLOSURE IV

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NINETY-EIGHTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, D.C. 20516

April 4, 1984

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MAJORITY—225-8081
 MINORITY—225-8074

The Honorable Charles A. Bowsher
 Comptroller General
 General Accounting Office
 Washington, D.C. 20548

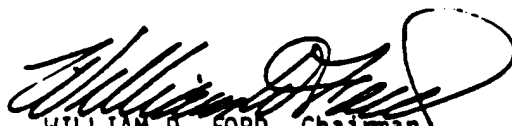
Dear General:

In January, H.R. 4681, the Federal Polygraph Limitation and Anti-Censorship Act of 1984, was introduced and referred to the Post Office and Civil Service Committee where it is now under active consideration. This bill is a comprehensive response to the Administration's polygraph and censorship policies, both the National Security Directive 84, issued by the President, and those designed and implemented independently at the agency level.

Recently, the President announced his intention to suspend the polygraph and prepublication censorship portions of his National Security Directive through this session of Congress. The effects, however, of this suspension on the polygraph and censorship policies which were not contained in the President's Directive are not clear. In order that this legislation be properly evaluated, it is necessary that Congress be fully apprised of the effects, if any, the suspension of the President's National Security Directive 84 has on the current polygraph and prepublication censorship policies in effect at the agencies of the Federal Government and on any proposed changes in those policies contemplated at this time.

To this end we request that the General Accounting Office update its survey of the Federal agencies conducted in preparation for hearings held last October by the Government Operations committee on these issues. Along with this update, it is requested that the GAO also make broader inquiry into the current use of polygraphs and prepublication censorship requirements by the agencies, any proposed changes in those policies and their likely effects, and the effect, if any, the President's suspension of his NSD 84 has on those current or proposed policies.

It is important that this investigation be given prompt attention. Congressional moratoriums on proposed changes to the Department of Defense's polygraph regulations and certain prepublication censorship requirements will expire on April 15. It is, therefore, hoped that you will find it possible to devote maximum staff resources in this effort. Thank you very much for your attention to this request. With every good wish, we are


 WILLIAM D. FORD, Chairman
 Committee on the Post Office and
 Civil Service

Sincerely,

 JACK BROOKS, Chairman
 Committee on Government Operations



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

NATIONAL SECURITY AND
INTERNATIONAL AFFAIRS DIVISION

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JUN 11 1984

The Honorable Jack Brooks
Chairman, Committee on Government
Operations
House of Representatives

Dear Mr. Chairman:

Subject: Polygraph and Prepublication Review
Policies of Federal Agencies
(GAO/NSIAD-84-134)

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B-215075

Although the Department of Justice did not respond in time for inclusion of its data in this report, we understand that Justice and the Department of the Treasury also use the polygraph for pre-access screening.

The Federal Emergency Management Agency stated that, although it did not employ polygraph operators or have a contract for polygraph service, it had plans to institute polygraph screening examinations in connection with two of its non-SCI special access programs. However, the Agency said that it was holding in abeyance a final decision on its plans, pending resolution of the legal issues involving use of the polygraph.

The Tennessee Valley Authority, which had been using the polygraph in connection with criminal investigations, told us that it was discontinuing all polygraph use.

Copies of this report are being sent to all agencies that provided information and to other interested parties upon request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank C. Conahan". The signature is fluid and cursive, with the first name "Frank" and last name "Conahan" clearly distinguishable.

Frank C. Conahan
Director

Enclosures - 5

Responses to Questions Of The
House Committee on Government Operations
And The
House Committee on Post Office and Civil Service

(All 51 executive branch agencies that handle classified information were queried; however, 8 did not respond. The responses from the remaining 43 are included below).

QUESTION 1

Approximately how many full- and part-time people were employed by the federal government as of December 31, 1983?

RESPONSE

In the 43 agencies that responded, there were 5,025,580 federal civilian and military personnel.

QUESTION 2

Approximately how many federal employees and contractor employees had security clearances as of December 31, 1983?

RESPONSE

There were about 2.6 million federal and 1.3 million contractor employees, of the 43 responding agencies, with security clearances at the levels shown below.

<u>Level of clearance</u>	<u>Federal employees</u>	<u>Contractor employees</u>
Top Secret	517,578	111,912
Secret	2,129,557	904,540
Confidential	<u>33,286</u>	<u>304,852</u>
Total	<u>2,680,421</u>	<u>1,321,304</u>

Of the total number of federal employees--5,025,580, about 10 percent had top secret clearances and 42 percent had secret clearances.

QUESTION 3

How many federal and contractor employees had access to Sensitive Compartmented Information (SCI) as of December 31, 1983?

RESPONSE

There were a total of 118,899 federal employees and 11,041 contractor employees with SCI access.

QUESTION 4

Do agencies consider SCI to be a special access program? Under what authority?

RESPONSE

- Eighteen agencies considered SCI to be a special access program. They cited the following authorities:

- Executive Order 12356
- The Director of Central Intelligence
- National Security Decision Directive -84
- Director of Central Intelligence Directive 1/14

QUESTION 5

How many agencies have special access programs as authorized under Executive Order 12356 or similar programs under some other authority?

RESPONSE

Six agencies had special access programs or participated in such programs of other agencies.

QUESTION 6

How many agencies used the polygraph during calendar year 1983?

RESPONSE

Nine agencies used the polygraph or had their employees take polygraph examinations administered by other agencies in calendar year 1983.

QUESTION 7

How many polygraph operators did agencies employ as of December 31, 1983, and how many operators did they have under contract?

RESPONSE

As of December 31, 1983, four agencies employed a total of 131 polygraph operators, and had 2 under contract.

QUESTION 8

Do agencies expect to hire or contract for additional polygraph operators? How many and why?

RESPONSE

The Department of Defense expects to hire an additional 50 examiners in order to conduct 10,000 more screening polygraph examinations.

The Postal Service expects to hire 3 more polygraph operators. This is to improve turnaround time on examinations and reduce operator workload.

QUESTION 9

How many polygraph machines did agencies own as of December 31, 1983? How many did they procure during calendar year 1983, and how many more do they expect to procure?

RESPONSE

Four agencies owned a total of 256 polygraph machines as of December 31, 1983. They procured 2 of these during calendar year 1983. They expect to procure 30 more polygraph machines in the future.

QUESTION 10

Why were polygraph examinations of agency employees conducted? How many of these examinations were conducted of agency employees for calendar years 1979 through 1983? How many were conducted by the agency and how many were conducted by other agencies or by contractors?

RESPONSE

The following tabulation shows the number of polygraph examinations given to employees of the nine agencies for various reasons during calendar years 1979 through 1983:

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
<u>Criminal or Specific Incident Investigations</u>					
Conducted by agency	6,697	7,256	6,909	7,802	7,657
Conducted by other agencies or contractors	4	8	16	27	34
<u>Pre-employment screening</u>					
Conducted by agency	13	18	13	28	16
Conducted by other agencies or contractors	0	0	0	0	1
<u>Pre-access screening</u>					
Conducted by agency	65	53	45	1,176	3,105
Conducted by other agencies or contractors	0	0	0	0	3
<u>Subsequent screening</u>					
Conducted by agency	0	0	0	0	0
Conducted by other agencies or contractors	0	0	2	2	1
<u>Other</u>					
Conducted by agency	242	271	302	298	361
Conducted by other agencies or contractors	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Total</u>	<u>7,021</u>	<u>7,606</u>	<u>7,287</u>	<u>9,333</u>	<u>11,178</u>

QUESTION 11

How many agencies require employees to submit to any prepublication review procedure (other than to review official statements on behalf of the agency)? How many employees do these procedures cover?

RESPONSE

Twelve agencies required their employees to submit to prepublication review. Prepublication review procedures cover 3,423,418 agency employees.

QUESTION 12

For each calendar year since 1979, how many books, articles, speeches, and other materials were reviewed during the prepublication review process?

RESPONSE

The following tabulations show the types and quantities of information reviewed during calendar years 1979 through 1983. Separate tabulations are shown for the Department of Defense (DOD) and the other respondents because DOD combined books and articles and because the Department of the Army responded in number of pages reviewed for 1982 and 1983.

The Department of Defense

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Books/Articles	2,994	3,133	2,784	6,457	10,088
Speeches	1,320	1,360	871	2,237	2,020
Other	4,816	4,344	5,178	4,713	5,102
No. of pages--Army				92,918	77,404

Other 11 Respondents

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Books	18	22	19	17	34
Articles	4,754	4,774	4,814	5,363	5,461
Speeches	11	50	43	352	365
Other	5,013	5,018	5,009	5,371	5,294

QUESTION 13

What was the average number of working days that elapsed from the date of receipt of a request for prepublication review of a document to the date that the requestor was informed of the final results?

RESPONSE

The 12 agencies reported the following range of time (in days) for the prepublication review process:

Number of days

Books	2 to 20
Articles	1 to 11
Speeches	2 to 10
Others	4 to 8

QUESTION 14

During calendar year 1983, approximately how many employees were assigned and how many working days were used for prepublication reviews?

RESPONSE

Responding agencies assigned a total of about 211 full-time employees and used 5,268 working days for prepublication reviews.

QUESTION 15

How many unauthorized disclosures of classified information were there during calendar year 1983? How many of these were not reported to the Department of Justice?

RESPONSE

Four agencies reported 43 unauthorized disclosures of classified information. Of these, 34 were not reported to the Department of Justice.

QUESTION 16

How many unauthorized disclosures of classified information were made through books, articles, or speeches, written by then-current employees or former employees during calendar year 1983?

RESPONSE

One of the 43 identified in question 15 was made through a speech or publication by a then-current employee of a contractor.

ENCLOSURE II

ENCLOSURE II

Employees with Clearances, SCI Access, and Non-SCI Access

	<u>TOTAL</u>	<u>DEFENSE</u>	<u>STATE</u>	<u>TREASURY</u>	<u>INTERIOR</u>	<u>NASA</u>	<u>FEMA</u>	<u>OTHER AGENCIES</u>
Number of agency employees	5,025,580	3,317,086	24,016	124,287	74,482	22,000	2,357	1,461,352
Level of Clearance:								
Agency employees:								
Top secret	517,578	480,360	13,938	6,871	596	523	1,726	13,564
Secret	2,129,557	2,066,643	733	2,993	1,658	15,706	572	41,252
Confidential	33,286	28,160	0	274	104	719	0	4,029
Contractor employees:								
Top secret	111,912	111,000	0	183	0	0	400	329
Secret	904,540	900,000	0	0	3	0	250	4,287
Confidential	304,852	304,800	0	0	0	0	0	52
SCI access:								
Agency employees	118,899	111,167	4,350	1,733	229	280	199	941
Contractor employees	11,041	10,808	200	2	0	29	1	1
Employees assigned to non-SCI special access programs:								
Agency employees	27,530	26,559	0	0	0	0	904	67
Contractor employees	21,587	21,250	0	0	0	0	337	0

Agencies Involved in Prepublication Review

No. of employees covered by agency directive	Defense	State	NASA	TVA	USIA	AID	SEC	Fed. Reserve	Overseas Private Investment Corp.
All	All	All	All	All	All	All	All	All	All
Quantity of material reviewed in 1983:									
Books	10,088 ^a	10	15	0	5	1	2	1	0
Articles		269	4,500	600	24	15	7	45	1
Speeches	2,020	14	0	280	33	30	8	0	0
Other	5,102 ^b	0	5,000	0	0	60	36	0	0
No. of pages	77,404								
1982:									
Books	6,457 ^a	1	15	0	1	0	0	0	0
Articles		202	4,500	600	15	35	10	0	1
Speeches	2,237	8	0	280	25	30	9	0	0
Other	4,713	0	5,000	0	0	101	27	0	0
No. of pages	92,918 ^b								
No. of employees assigned to prepublication review	80	86	0	40	2	1	1	1	1
No. of working days used for prepublication review	4,459	205	100	55	8	5	10	-	1
Average no. of working days used for each type of material:									
Books	17.8	20	10	0	10	2	20	10	0
Articles	10.7	10	10	3	2	3	10	3	1
Speeches	5.3	5	10	3	2	3	5	0	0
Other	5.2	0	10	0	0	4	8	0	0

^aDefense's response combined books and articles

^bThe Department of the Army responded in number of pages reviewed.

Note: Three agencies--the Department of Education, Peace Corps and the Federal Emergency Management Agency--reported having prepublication review requirements but did not report any activity.

ENCLOSURE IV

ENCLOSURE IV

Polygraph Use by Nine Agencies

		Dept. of Defense	Dept. of Trans.	Tenn. Valley Auth.	Dept. of Labor	Fed. Res. System	Dept. of State	Postal Service	Dept. of Comm.	General Services Admin.
	TOTAL									
Agencies using polygraph	1983	9	yes	yes	yes	yes	yes	yes	yes	yes
	1982	8 ^a	yes	yes	no	no	no	yes	no	yes
Types of examinations:										
Criminal or specific Incident	1983	7691	7028	14	7	2	5	623	2	4
	1982	7829	7155	7	5	0	0	645	0	3
	1981	6925	6196	3	2	0	5	711	1	1
Pre-access screening	1983	3108	3105	0	0	0	2	0	1	0
	1982	1176	1176	0	0	0	0	0	0	0
	1981	45	45	0	0	0	0	0	0	0
Agency polygraph operators	1983	131	123	0	2	0	0	6	0	0
	1982	194	112	0	0	0	0	6	0	0
Agency polygraph machines: owned as of December 31, purchased in	1983	256	238	0	2	0	0	16	0	0
	1983	2	2	0	0	0	0	0	0	0

Agency plans:

1. The Department of Defense anticipates hiring 50 additional polygraph operators to permit 10,000 screening type examinations.
2. The Postal Service expects to hire 3 additional operators.
3. The Federal Emergency Management Agency plans to institute polygraph examinations in the future, but the final decision is pending until legal issues involving the use of the polygraph are resolved.
4. The Tennessee Valley Authority does not anticipate using the polygraph in the future.

^aIncludes the Departments of Justice and Treasury, as reported to us last year. Current information concerning polygraph use by these agencies was not received in time for inclusion in the chart.

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NINETY-EIGHTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

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WASHINGTON, D.C. 20515

April 4, 1984

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MAJORITY—225-6081
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The Honorable Charles A. Bowsher
 Comptroller General
 General Accounting Office
 Washington, D.C. 20548


Dear General:

In January, H.R. 4681, the Federal Polygraph Limitation and Anti-Censorship Act of 1984, was introduced and referred to the Post Office and Civil Service Committee where it is now under active consideration. This bill is a comprehensive response to the Administration's polygraph and censorship policies, both the National Security Directive 84, issued by the President, and those designed and implemented independently at the agency level.

Recently, the President announced his intention to suspend the polygraph and prepublication censorship portions of his National Security Directive through this session of Congress. The effects, however, of this suspension on the polygraph and censorship policies which were not contained in the President's Directive are not clear. In order that this legislation be properly evaluated, it is necessary that Congress be fully apprised of the effects, if any, the suspension of the President's National Security Directive 84 has on the current polygraph and prepublication censorship policies in effect at the agencies of the Federal Government and on any proposed changes in those policies contemplated at this time.

To this end we request that the General Accounting Office update its survey of the Federal agencies conducted in preparation for hearings held last October by the Government Operations committee on these issues. Along with this update, it is requested that the GAO also make broader inquiry into the current use of polygraphs and prepublication censorship requirements by the agencies, any proposed changes in those policies and their likely effects, and the effect, if any, the President's suspension of his NSD 84 has on those current or proposed policies.

It is important that this investigation be given prompt attention. Congressional moratoriums on proposed changes to the Department of Defense's polygraph regulations and certain prepublication censorship requirements will expire on April 15. It is, therefore, hoped that you will find it possible to devote maximum staff resources in this effort. Thank you very much for your attention to this request. With every good wish, we are


 WILLIAM D. FORD, Chairman
 Committee on the Post Office and
 Civil Service

Sincerely, 
 JACK BROOKS, Chairman
 Committee on Government Operations

Censorship Accol By Thousands, Study Shows

By DAVID BURNHAM
Special to The New York Times

WASHINGTON, June 13 — More than 120,000 employees now working for the Federal Government have agreed in writing that for the rest of their lives they will submit for censorship any speech, article or book they produce that concerns the sources and methods of intelligence gathering.

The disclosure that tens of thousands of civilian and military employees have signed required censorship agreements came four months after strong objections in Congress prompted President Reagan to withdraw a proposal for a somewhat broader censorship requirement.

All employees with access to certain intelligence secrets have been required to sign censorship agreements since early 1981 under what was then a new interpretation of an existing Presidential executive order. Those required to sign include most top policy-makers as well as a number of clerks, secretaries and technicians.

43 Agencies Respond to Survey

The number of individuals who have signed the censorship agreement was made public today in a report prepared by the General Accounting Office, an investigative arm of Congress. The report, based on replies provided by 43 separate agencies, was prepared at the request of the chairmen of the House Government Operations Committee and the House Postal Office and Civil Service Committee.

Because of the special requirements of their work, the survey did not include the Central Intelligence Agency or the National Security Agency. Among other agencies that did not respond to the survey as of Dec. 31 were the Justice Department, the Department of Energy, the Office of Management and Budget and five other agencies.

Representative Jack Brooks, Democrat of Texas, chairman of the Government Operations Committee, said in a statement that he was "shocked and

dismayed at the findings." Senator Charles McC. Mathias Jr., Republican of Maryland, a leader in the Senate group opposed to prepublication review, said the "G.A.O. report makes it clear that the issue of lifetime censorship agreements is not dead."

'Program Not Needed'

Mr. Mathias added, "The executive branch without any significant degree of consultation with Congress has put in place a program of censorship that is, on the basis of what we know now, demonstrably not needed."

According to testimony before the Senate Governmental Affairs Committee, the prepublication review requirement was first imposed by the Reagan Administration in early 1981. Until then, officials given access to a special category of classified information had been asked to sign an agreement saying only that they would not disclose it.

In the proposal withdrawn by the Reagan Administration on Feb. 14, lifetime censorship would have been imposed on any official who was about to write or talk about "any information concerning intelligence activities, sources or methods."

The requirement that had been in place since 1981 has slightly different language. The existing requirement imposes lifetime censorship on any material concerning "intelligence sources or methods" of intelligence gathering. It does not include the phrase, "any information concerning intelligence activities."

Total Incomplete

The accounting office said another reason the total number of people who had signed such an agreement was incomplete was that it did not include those officials who had signed agreements but then retired or gone to other jobs.

The accounting office also said that the responding agencies had reported a total of 43 instances in 1983 when classified information was disclosed. The



Senator Charles McC. Mathias Jr., a leader in the group opposed to Government censorship of materials written by Federal employees.

agencies said 34 of these instances were not submitted to the Justice Department for investigation.

The accounting office report said there had been a sharp increase in the number of articles and books being reviewed by the Reagan Administration in the past year or so. It said that the Defense Department reviewed 2,784 articles and books in 1981, 6,457 in 1982 and 10,088 in 1983.

At the time Mr. Reagan withdrew the new censorship proposal in February, and left the existing requirement in place, several Administration officials said the suspension was aimed at eliminating a potential political problem caused by widespread criticism of the far reaching order.

One official said the White House hoped "to remove it as a sore spot, a source of controversy" in an election year.

Mr. Brooks has introduced legislation that would prohibit the Government from imposing any prepublication review requirement and rescind any such requirements then in effect except for employees of the C.I.A. and the N.S.A.

Blue Cross Devises Plan STAT

By IRVIN MOLOTSKY
Special to The New York Times

WASHINGTON, June 13 — Blue Cross and Blue Shield today announced guidelines intended to reduce the incidence of unnecessary X-ray and similar diagnostic procedures, thereby controlling costs for medical care of the insurers' 80 million subscribers.

The program is to begin with an educational effort to convince physicians that they should not use certain procedures, but it is to lead at an unstated future date to the end of payments for the disapproved procedures.

According to Bernard R. Tresnowski, president of the Blue Cross and Blue Shield Association, a similar program instituted two years ago in respiratory treatment reduced costs \$22 million a year.

Mr. Tresnowski said that the use of diagnostic images, such as ultrasound, mammography and radionuclide scans, was increasing rapidly and that much of it was unnecessary or duplicative of other procedures. Under the new guidelines, for example, ultrasound would be used on pregnant women only when a specific problem was suspected.

Diagnosis Costs Are High

There were 200 million such images produced last year at a cost of \$7 billion, and an increase of 8 percent is expected this year, but Mr. Tresnowski said it was "almost impossible to tell" how many of these procedures were unnecessary.

Lawrence C. Morris, Blue Cross-Blue Shield's senior vice president for professional and provider affairs, was also present at a news conference at the insurers' headquarters here. He was able to provide only an estimate that unnecessary procedures might account for 1 or 2 percent of the \$7 billion, or \$70 million to \$140 million a year.

Dr. Ervin E. Nichols, director of practice activities at the American College of Obstetricians and Gynecologists, appeared at the meeting to endorse the program. He said that there were 3.5 million deliveries in the United States each year and that ultrasound, which provides information on

both the condition of the fetus and of the mother, was being used in 4 percent of the pregnancies.

"Ten to 30 percent of them may be indicated," Dr. Nichols said. "That's a wild guess."

"We are aware," he said, "that of these are done by people who are by their neighbors. You ought to picture of your baby."

The ultrasound pictures make obvious additions to baby albums, but many of them serve no purpose.

Routine Tests Not Affect

In response to questions, Mr. Tresnowski and Dr. Gerald chairman of the board of the American College of Radiology said that the guidelines would affect routine screening available to some Blue Cross-Blue Shield members, such as mammograms routinely by many women after the age of 40 to detect breast cancer early.

The Blue Cross-Blue Shield group calls its medical necessity guidelines, had the support of the American College of Obstetricians and Gynecologists, the American College of Radiology, the American Academy of Pediatrics, the American Society of Obstetricians and Gynecologists, the American Society of Clear Physicians, the American Society of Neurology and the Association of Neurological Physicians.

Mr. Tresnowski said that the use of such technology spread because new devices being used in addition to the old, when, in fact, they were displacing them.

These are some of the guidelines of the new policy as summarized by Mr. Tresnowski:

Breast Cancer. Neither physical nor diaphanography needed when a breast mass is suspected. Ultrasound needed when mammography is inconclusive.

CAT Scans. A scan using axial tomography, a

SAY